

### **REMARKS**

Claims 40-42, 44, 46-47, and 50-51 are currently pending in the present application, with Claims 1-39, 43, 45, 48, 49, and 52-55 being canceled, and Claims 40, 44, 46, 50, and 51 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1, 4, 6, 9, and 22 under 35 U.S.C. 112, second paragraph, as for being indefinite to particularly point and distinctly claim the subject matter which applicant regards as the invention. This rejection is moot in view of the canceled claims.

The Examiner rejected Claims 1, 4, 6, 9, 12, 22, 34, 42, 43, 45, 52, and 53 under 35 U.S.C. § 103(a) as being unpatentable over Headrick et al. (U.S. patent no. 6,535,889) in view of Sahai et al. (U.S. patent no. 6,156,964). This rejection is moot with respect to the canceled claims and respectfully traversed with respect to the amended claims.

The Examiner rejected Claim 42 with respect to Headrick and Sahai, but, as with the previous office action, did not include Claim 40 in the same rejection. Since Claim 42 is dependent from Claim 40, Applicants assume that the Examiner either intended to include Claim 40 within the same rejection, or the addition of Claim 42 in this instant rejection was by mistake. Since the Examiner rejected Claims 40 and 44 on page 7 of the Detailed Action using the same references, Applicants address the rejection of Claims 40 (and accordingly dependent Claims 42) below.

The Examiner rejected Claims 40, 44, 47, 50, and 51 under 35 U.S.C. 103(a) as being unpatentable over Headrick and Sahai in view of Srinivasan (U.S. patent publication no. U.S. 2002/006235). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, independent Claims 40, 44, 50, and 51 are directed to methods and apparatuses for supplying/receiving music data via a network. The novel aspect of these claims is the ability by the user to designate a desired portion of a displayed single music piece and receive music piece data that is created to correspond with the selected time portion of the single music piece. Applicants have further amended the claims to specify that the desired portion of music piece to be purchased is selected by a particular time portion of the single music

piece, and that the selling price of the partial music piece, designed by the desired time portion, is less than the selling price of the entire single music piece, and is determined on either the length or the particular time location of the partial music piece on the entire single music piece.

None of the cited reference contains any disclosure or suggestion of displaying a music piece and, in response to designation of a desired portion of the music piece, provide or receive the corresponding music piece data. Applicants note that the Examiner, in the final Office Action, did not respond to Applicants' specific arguments with respect to Claims 40, 44, 47, 50, and 51. The argument is repeated below:

The Examiner indicated . . . that Figs. 1, 3, and 5 (presumably of Headrick since Sahai does not include a Fig. 5) illustrate this feature of these claims. However, Applicants respectfully submit that none of the cited figures even remotely address music piece data, not to mention designation of portion of music piece data. Likewise, all of the other cited references fail to make up for this deficiency. While Sahai is directed to method of displaying music, it makes no mention of creating music piece data corresponding to portion of a music piece designated by a user.

In addition to the above, Applicants have nevertheless further amended the claims to specify that the partial music piece data may be chosen by time portion, and that the selling price of the partial music piece data must be less than the selling price of the entire music piece data, and is dependent upon the length of the partial music piece data or upon the location of the designed time portion of the partial music piece data. Applicants respectfully submit that the additional features are not disclosed or suggested by the cited references.

In view of the foregoing, Applicants respectfully submit that Claims 40, 44, 50, and 51 (and likewise the dependent claims) are not obvious in view of the cited references.


In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 39303.20243.00.

Respectfully submitted,

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